IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 17113 of 2007(K)

CMA.23/2007 of VI ADDL.DISTRICT COURT, ERNAKULAM
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PETITIONER:

PIBY PAUL, AGED 32, S/O PAUL,
AMBANAPILLY HOUSE, VAZHAKKULAM KARA,
MUVATTUPUZHA, EMPLOYED AT SAN FRANSISCO, REP. BY
HIS POWER OF ATTORNEY HOLDER K.V.PAILLY, AGED 65,
S/O VARKEY, RESIDING AT AMBANAPILLY HOUSE,
VAZHAKKULAM KARA, MUVATUPUZHA.

BY ADV. SRI.P.N.RAMAKRISHNAN NAIR
SRI.P.VISWANATHAN
SRI.AJU MATHEW

RESPONDENTS:
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1. SRI. K.A.JOSEPH, AGED 54, S/O ANTONY,
KURIKAYAIL HOUSE, INDIRA SMARAKA ROAD,
VYTTILA DESOM, POONITHURA VILLAGE,
KANAYANNUR TALUK, KOCHI-682019.

2. CORPORATION OF KOCHI, REPRESENTED BY THE
SECRETARY, OFFICE OF THE CORPORATION OF KOCHI,
ERNAKULAM, KOCHI-682011.

BY ADV. SRI.C.M.SURESH BABU,SC,COCHIN CORPORATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 17113 OF 2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF IA NO.10438 OF 2006 IN OS NO.1270 OF 2006, ON THE FILE OF THE ADDITIONAL MUNSIFF'S COURT, ERNAKULAM.

EXT.P2 : TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE PETITIONER.

EXT.P3 : TRUE COPY OF THE ORDER PASSED BY THE MUNSIFF'S COURT, ERNAKULAM IN IA NO.10438 OF 2006 IN OS NO.1270 OF 2006, ON THE FILE OF THE ADDITIONAL MUNSIFF'S COURT, ERNAKULAM.

EXT.P4 : TRUE COPY OF THE JUDGMENT PASSED BY THE ADDITIONAL DISTRICT COURT IN CMA NO.23 OF 2007.

/TRUE COPY/

PA TO JUDGE

PIUS C. KURIAKOSE, J.

W.P.(C) No. 17113 OF 2007

Dated this the 7th day of November, 2007

JUDGMENT

It is submitted by the counsel for the respondent that petitioner has filed petition before the District Judge seeking review of Ext.P3. Petitioner's counsel does not dispute but only wants to check up with his counter part in the District Court.

If the petitioner has already filed petition before the learned District Judge seeking review of Ext.P3 judgment or seeking expunction of any observation therein, the learned District Judge will hear the parties and dispose of that petition at the earliest and at any rate within one month of receiving copy of this judgment. If the petitioner is yet to file a review petition, the petitioner is permitted to file a review petition before the District Judge, within two weeks from today in which case that petition also shall be disposed of in accordance with law.

PIUS C. KURIAKOSE, JUDGE

btt